

Message Text

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ACTION ARA-14

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C O N F I D E N T I A L SANTIAGO 2853

E.O. 11652: GDS
TAGS: SHUM, CI
SUBJECT: POLITICAL PRISONERS IN CHILE: ICEM OPTIMISTIC

REF: SANTIAGO 2774

1. SUMMARY: LOCAL ICEM REP KOZAK GAVE US AN OPTIMISTIC
READ-OUT ON HIS APRIL 14 MEETING WITH PRESIDENT PINOCHET
AND JUSTICE MINISTER MADARIAGA. IN ADDITION TO APPROVAL
OF COMMUTATION PETITIONS FOR 109 PEOPLE SERVING JAIL
SENTENCES (REFTEL), PINOCHET INSTRUCTED MADARIAGA TO
PREPARE PARDONS FOR OTHERS WHOSE SENTENCES ARE ABOUT TO
END, AND THOSE RUSTICATED OR ON PAROLE, AN ADDITIONAL
ALMOST TWO HUNDRED PEOPLE. IN ADDITION, KOZAK TELLS US
MADARIAGA WILL PRESS MILITARY COURTS TO DISPOSE OF CASES
INVOLVING NEARLY FOUR HUNDRED OTHERS (OF WHOM ABOUT 80-90
ARE IN JAIL). HE THINKS HE HAS AN INFORMAL AGREEMENT
WITH MADARIAGA TO ARRANGE PARDONS FOR THOSE CONVICTED
AND SENTENCED TO THREE YEARS OR LESS AND TO APPROVE COM-
MUTATIONS FOR THOSE RECEIVING LONGER SENTENCES. HE
BELIEVES THAT WITHIN TWO-THREE MONTHS THERE WILL BE
AT MOST ONLY A HANDFUL OF PEOPLE STILL IN JAIL FOR
NATIONAL SECURITY CRIMES TRIED BY MILITARY COURTS.
END SUMMARY.
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2. ROBERTO KOZAK, LOCAL ICEM REPRESENTATIVE, WAS
ESCORTED TO HIS APRIL 14 MEETING WITH PRESIDENT PINOCHET
BY MONICA MADARIAGA, MINISTER OF JUSTICE (AND RELATIVE
AND CONFIDANTE OF PINOCHET). ACCORDING TO KOZAK, MADARIAGA
DESCRIBED ICEM'S WORK HERE AS EXTREMELY HELPFUL TO THE
GOC. PINOCHET LISTENED ATTENTIVELY WHILE KOZAK SUMMARIZED

THE ICEM PRESS RELEASE ACKNOWLEDGING GOC COOPERATION (SEE REFTEL), WHICH KOZAK SUBSEQUENTLY READ BEFORE NEWSMEN AWAIT-INT OUTSIDE. KOZAK TOOK ADVANTAGE OF THE MEETING TO URGE PINOCHET TO PARDON THE REMAINING PEOPLE CONVICTED BY MILITARY COURTS. PINOCHET REPORTEDLY INSTRUCTED MADARIAGA TO PREPARE THE APPROPRIATE PAPERS.

3. FOLLOWING THE PRESIDENTIAL MEETING AND PRESS CONFERENCE, KOZAK TELLS US THAT HE RAISED WITH MADARIAGA THE STATUS OF THOSE IN TRIAL PROCESS. MADARIAGA ACKNOWLEDGED THAT SHE COULD (AND SAID SHE WOULD) PRESS THE MILITARY TRIBUNALS TO CLEAR THE DECKS OF PENDING CASES. IN ADDITION, KOZAK BELIEVES THAT MADARIAGA COMMITTED HERSELF TO ARRANGING PARDONS FOR THOSE EVENTUALLY CONVICTED AND SENTENCED TO THREE YEARS OR LESS, AND TO APPROVE COMMUTATION PETITIONS FOR THOSE SENTENCED FOR LONGER PERIODS. HE THINKS THAT THE WHOLE ISSUE CAN BE WRAPPED UP IN A FEW MONTHS (BARRING, OF COURSE, A NEW SERIES OF ARRESTS FOR NATIONAL SECURITY CRIMES).

4. COMMENT: AS OF MARCH 31, THE VICARIATE OF SOLIDARITY GAVE THE FOLLOWING BREAKDOWN OF THOSE CONVICTED BY MILITARY COURTS FOR NATIONAL SECURITY INFRACTIONS: 117 IN JAIL, 116 ON PAROLE (PERIODIC SIGN-IN) AND 48 RUSTICATED, FOR A TOTAL OF 281. ICEM IS PREPARING TO MOVE OUT 109 PEOPLE NOW IN JAIL (BUT ICEM INCLUDES SEVERAL PEOPLE NOT COUNTED BY THE

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VICARIATE WHO KOZAK MANAGED TO SQUEEZE OUT OF THE GOC, E.G., MEXICAN CITIZEN SOUSA A PARTICULARLY TRICKY PRE-COUP CASE). ICEM DOES NOT PLAN TO RESETTLE A FEW PEOPLE WHOSE JAIL SENTENCES ARE ALMOST COMPLETED, NOR HAS IT FOUND MUCH INTEREST BY RECEIVING GOVERNMENTS IN TAKING THOSE ON PAROLE OR RUSTICATED (AMONG THEM ARE 40 OF THE 72 THE GOC STATES HAVE APPROVED COMMUTATION PETITIONS AND THE 89 WHO THE GOC SAYS DO NOT WANT COMMUTATION--SEE PARA 3 SANTIAGO 2551). THUS BETWEEN 130-172 PARDONS SHOULD BE FORTHCOMING FOR THOSE NOT RESETTLED BY ICEM. TOTAL IMMEDIATE BENEFICIARIES MIGHT REACH 280.

5. WITH RESPECT TO THOSE IN TRIAL STATUS, THE VICARIATE RECORDS 96 IN JAIL AND 285 FREE ON BAIL FOR A TOTAL OF 381. THERE IS THE PRESUMPTION THAT THOSE ON BAIL WILL NOT RECEIVE PRISON SENTENCES (INDEED THEY MIGHT NOT EVEN BE CONVICTED); NONETHELESS PROMPT PARDONS, COMMUTATIONS OR EXONERATION WOULD STILL BENEFIT THESE 381.

6. IF EVERYTHING WORKS OUT AS ICEM NOW HOPES, RECENT GOC DECISIONS WILL BENEFIT SOME 600 PEOPLE. IF SO, WITHIN A FEW MONTHS, IT MAY BE HARD TO FIND ANYONE BEING PUNISHED FOR NATIONAL SECURITY CRIMES HEARD BY MILITARY

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